

REMARKS

In the present Office action, the Examiner has indicated that the application is in condition for allowance except for various formal matters and that prosecution on the merits is closed in accordance with *Ex parte Quayle*.

Prior to the entry of the present Amendment, Claims 6-10 are pending. By the present Amendment, Claims 6-8 are unchanged and Claims 9-10 are canceled without prejudice.

The Examiner has identified the following two groups and corresponding claims in the application:

- I. Claims 6-8, drawn to a heat exchanger insert, classified in class 165, subclass 109.1
- II. Claims 9-10, drawn to a method of manufacture a heat exchanger insert, classified in class 29, subclass 890.03.

The Examiner has withdrawn Claims 9-10 from consideration as being directed to a non-elected invention since Applicants received an action on the merits for the originally presented invention and the invention was constructively elected by original presentation for prosecution on the merits.

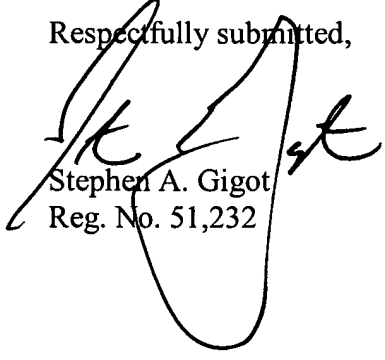
Accordingly, Applicants have amended the application to delete the non-elected group, namely Claims 9-10 as requested by the Examiner. Applicants reserve the right to prosecute the non-elected group in one or more divisional patent applications.

Applicants reserve the right to later list claims that are readable on the elected species that are subsequently added or were originally filed. Applicants reserve the right to prosecute the non-elected species in one or more divisional patent applications if the restriction requirement is upheld.

CONCLUSION

In view of the foregoing, entry of the present Amendment and allowance of the application are respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



Stephen A. Gigot
Reg. No. 51,232

Docket No.: 022230-9025-00
Micheal Best & Friedrich
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560